



DFW

Docket No.: P-0652

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 3913

Jik-Dong KIM

Group Art Unit: 2611

Serial No.: 10/792,131

Examiner: Kevin M. Burd

Filed: 3/4/2004

Customer No.: 34610

For: DATA TRANSMITTING/RECEIVING APPARATUS AND METHOD IN
WIRELESS SYSTEM

REPLY TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In reply to the Restriction Requirement dated April 16, 2007, applicant hereby elects Group I (claims 1-14, 28 and 29), with traverse, for prosecution on the merits.

It is respectfully submitted that the subject matter of each of the Groups of claims is sufficiently related that a thorough search for the subject matter of each of the Groups would encompass a search for the subject matter of the other Group.

For example, subject matter of Group I is also included in Group II, thereby resulting in duplicate examination, if the restriction is maintained. More specifically, independent claim 28 (of Group I) includes subject matter of independent claims 19 and 25 (Group II) and independent claim 9 (Group I). Applicant also notes that independent claim 28 is provided in both Group I and Group II. Clearly, this shows that independent claim 28 contains subject matter of both Group I and Group II. Additionally, independent claim 1 (Group I) and independent claim 15 (Group II) both relate to similar subject matter of Q-ary symbols. Applicant respectfully submits that this similar subject matter of Group I and Group II shows that duplicative examination would occur if the restriction is maintained.

It is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it states that "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the U.S. Patent and Trademark Office.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



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